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 15 APPLE INC., A CALIFORNIA CORPORATION

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 IN RE: APPLE IDEVICE ADDRESS
 20 BOOK LITIGATION

Case No.: 13-cv-00453-JST

CLASS ACTION

**[PROPOSED] ORDER GRANTING
 APPLE INC.'S MOTION TO DISMISS
 PLAINTIFFS' CONSOLIDATED
 AMENDED CLASS ACTION
 COMPLAINT**

**THIS DOCUMENT RELATES TO ALL
 CASES:**

- No. 13-cv-00453-JST
- No. 12-cv-01515-JST
- No. 12-cv-01529-JST
- No. 12-cv-06550-JST

1 The Motion to Dismiss Plaintiffs' Consolidated Amended Class Action Complaint presented
2 by Apple, Inc. ("Apple") was heard on January 22, 2014 at 9:30 a.m. by this Court. Having
3 considered all papers filed in support of and in opposition to the Motion, oral argument of counsel,
4 and all other pleadings and papers on file herein, the Court finds as follows:

5 1. Plaintiffs' claims not based on an alleged misrepresentation by Apple are precluded by
6 Section 230 of the Communications Decency Act, 47 U.S.C. § 230.

7 2. Plaintiffs lack standing under Article III of the United States Constitution.

8 3. Plaintiffs lack standing to bring a claim under California's consumer protection
9 statutes.

10 4. Plaintiffs' allegations do not satisfy the pleading requirements of Rule 9(b).

11 5. Plaintiffs' omission claims are barred as a matter of law.

12 6. Each of Plaintiffs' claims against Apple fails to state a claim upon which relief can be
13 granted.

14 Good cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

15 1. Apple's Motion to Dismiss Plaintiffs' Consolidated Amended Class Action Complaint
16 is **GRANTED**; and

17 2. All claims for relief against Apple are hereby **DISMISSED** with prejudice and
18 without leave to amend.

19
20 IT IS SO ORDERED this ____ day of _____, 2014.

21
22 _____
23 The Honorable Jon S. Tigar
24 United States District Judge
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